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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,407	08/10/2001	Yong Seon Choi	K-0312	5736
34610	7590	06/02/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			MCCLELLAN, JAMES S	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,407

Applicant(s)

CHOI, YONG SEON

Examiner

James S McClellan

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/26/05 has been entered.

Amendment

2. Applicant's submittal of an amendment on 1/25/05 was entered, wherein:

- claims 1-13 and 15-17 are pending;
- claims 18 and 19 have been canceled; and
- claims 1, 2, 7, 12, 15, and 17 have been amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

Art Unit: 3627

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 7-12, 15, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. US 2002 (Moreno).

Moreno discloses a method for operating a goods delivery system, the method comprising the steps of: demanding a customer to input information via a server into a database (108; see paragraph 0049) when purchasing over a network (see paragraph 0020); confirming and notifying delivery confirmation information from the kiosk to the server when goods are delivered (see paragraph 0054) and said server notifying the customer; and requesting return of goods through kiosk (see paragraph 0051, movie rental example).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreno in view of U.S. Patent No. 5,223,829 (Watabe).

Moreno discloses all claimed elements as set forth above, but fails to explicitly disclose a sensor for detecting the presence of an item.

Art Unit: 3627

Watabe teaches the use of a sensor for detecting the presence of an item in a locker (see column 2, lines 20-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify with, because the occupation sensor allows users and the operation control system to easily track the usage of lock boxes without the need to manually verify the condition of each lock box.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moreno in view of Watabe as applied to claims 1-4, 6, and 13 above, and further in view of U.S. Patent No. 6,315,039 (Westbrooks).

Moreno discloses an environment control system (see paragraph 0022), but fails to explicitly disclose a temperature controlling means operated for changing the inside temperature of the locker.

Westbrooks teaches the use of a temperature controlling means operated for changing the inside temperature of the locker (see paragraph bridging columns 2-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moreno/Watabe with a temperature controlling means as taught by Westbrooks, because controlling the temperature to desired temperature levels allows greater environmental control than merely turning on/off the heating or cooling system.

Response to Arguments

8. Applicant's arguments filed January 26, 2005 have been fully considered but they are not persuasive.

Art Unit: 3627

Applicant's arguments related to claim 1 are moot in view of the new grounds of rejection necessitated by Applicant's amendment.

On page 13, first full paragraph, Applicant argues that Moreno fails to disclose features of claim 7. More specifically, Applicant argues that Moreno fails to disclose confirming the server network, which has sold the corresponding goods, based on the input information and transferring of a statement of goods return and information of the place, wherein the corresponding kiosk is installed, to the confirmed server network. Moreno discloses returning goods in at least paragraphs 0051, 0094, 0097, and 0105. In the movie return example of paragraph 0051, input information is sent to the server computer to confirm via a bar code scanner. The server computer identifies the movie and the customer at the kiosk and the movie rental company is notified (see paragraph 0051)

On page 14, first full paragraph, Applicant argues that Moreno fails to disclose features of claim 7. More specifically, Applicant argues that Moreno fails to disclose requesting the customer to select a place to which the goods are returned, transferring a statement of return of the corresponding goods to the kiosk, and continuously confirming whether the goods are returned. Once again, Moreno discloses goods returning in at least paragraphs 0051, 0094, 0097, and 0105. Additionally, Moreno discloses confirming whether the goods are delivered/returned in at least paragraphs 0056, 0060, 0066, and 0068.


Art Unit: 3627

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James S McClellan
Primary Examiner
Art Unit 3627

jsm
5/31/05